



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3163]

FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CIVIL REVISION PETITION NO: 2193/2025

Between:

1. CARIN COMMERCIALS PVT LTD.,, REP. BY ITS ASST. VICE PRESIDENT, SHAIKH FAHAD, DOOR NO. 1012, A, TOWER, PBEL CITY, HYDERABAD.
- 2.. M/S RAKSHITA COMMERCIALS PVT LTD.,, REP. BY ITS ASST. VICE PRESIDENT, SHAIKH FAHAD, DOOR NO. 1012, A, TOWER, PBEL CITY, HYDERABAD.
3. M/S NETRAVATI COMMERCIALS PVT LTD.,, REP. BY ITS ASST. VICE PRESIDENT, SHAIKH FAHAD, DOOR NO. 1012, A, TOWER, PBEL CITY, HYDERABAD. (ALL OF THEM ARE REPRESENTED BY THEIR AUTHORIZED PERSON/GPA HOLDER BY NAME SHAIKH FAHAD, S/O. SHAIKH SAOUD, MUSLIM, AGED 47 YEARS, R/O. HYDERABAD.

...PETITIONER(S)

AND

1. MUTTAVARAPU MURALI KRISHNA, S/O. LATE VENKATESWARA RAO, HINDU, AGED 65 YEARS. BUSINESS, R/O. DOOR NO. 40-3-9, KRISHNANAGAR, LABBIPET, VIJAYAWADA - 520 010.
2. M/S SIVA CREDITS PVT LTD, REP. BY ITS DIRECTOR MUTTAVARAPU MURALI KRISHNA, S/O. LATE VENKATESWARA RAO, HINDU, AGED 65 YEARS, C/O. 2ND FLOOR, SWARNA LOK COMPLEX, ELURU ROAD, VIJAYAWADA - 520 002.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the present C.R.P. by setting aside the orders dated 15th day of April, 2025 in I.A. No.928 of 2018 in O.S. No.11 of 2017 on the file of XVI Additional District Judge, Nandigama and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.S. No.11 of 2017 on the file of the learned XVI Addl. District Judge, Nandigama, and pass

Counsel for the Petitioner(S):

1.P HEMACHANDRA

Counsel for the Respondent(S):

1.T V P SAI VIHARI

**The Court made the following:
ORDER:**

Challenging the order dated 15.04.2025 passed in I.A.No.928 of 2018 in O.S.No.11 of 2017 on the file of the learned XVI Additional District Judge, Nandigama, whereby, the petition filed under Order VII Rule 11 C.P.C., for rejection of the plaint on the ground that the plaint does not disclose cause of action, was dismissed, the instant revision is preferred by the petitioners.

2. Heard learned counsel for the revision petitioners and learned counsel for the respondents.

3. The parties will be referred as they are arrayed in the plaint for the sake of convenience.

4. The revision petitioners are the defendants in the suit before the trial Court. The plaintiffs therein filed the suit for declaration of their title in respect of the plaint schedule property and for permanent injunction. The defendants have opposed the said claim by way of filing written statement. Several pleas have been taken by the defendants, opposing the claim of the plaintiffs. While the suit is pending trial, the defendants have filed an application under Order VII Rule 11 C.P.C., to reject the plaint on the ground that the plaint does not disclose cause of action. The said petition came to be dismissed by the impugned order. The trial Court has passed a detailed order and held that there is no case made out for rejection of the plaint.

5. Order VII Rule 11 enumerates the grounds on which a plaint can be rejected. The defendants have filed the application on the first ground alleging that the plaint does not disclose cause of action. But, a perusal of the plaint makes it manifest that the plaint in fact clearly discloses a cause of action.

6. Para No.11 of the plaint is relevant in the context to consider. It reads thus:

“11. While matters stood thus; in the first week of March, 2017, it has come to the notice of the plaintiffs that some persons said to be the directors/authorized representatives of the Defendants have been visiting Paritala Village, where the plaint schedule lands are situated, and canvassing that the Defendants-Companies are having right over the plaint schedule lands. It has also come to the notice of the plaintiffs that with their influence, both political and official, the defendants are trying to enter into the plaint schedule lands and occupy the same without any manner of right. The plaintiffs are put to a great surprise, and they are also chagrined, as to the claims being canvassed by the defendants-companies. For, the 1st plaintiff purchased the lands in the year 2003 under registered sale deeds for a valid consideration and came into possession thereof. Earlier, the vendor of the 1st plaintiff, Bogineni Venkatrao, was in possession and enjoyment of the lands from 1980 to 2003, as proved by the registered sale deeds and pass books. The title and the unhindered possession of the plaintiffs in the suit schedule properties is thus lawful. The documents filed along with the plaint clearly show and establish the title and possession over the plaint schedule properties is for more than 37 years. The possession and enjoyment of the plaintiffs in the suit schedule lands is more than 13 years. Therefore, the alleged claims of the defendants over the plaint schedule properties are not true, genuine and valid.”

7. It is clear from the above para No.11 of the plaint that the defendant companies have claimed right over the plaint schedule property. When a cloud is cast on the title of the plaintiffs in respect of the plaint schedule property on account of denial of their title by the defendants or claim made by the defendants over the said property, it gives rise for a cause of action for the plaintiffs to seek declaration of their title from the Court by way of filing a suit for declaration of title and for consequential relief. As the plaint averments disclose that the defendants made a claim over the plaint schedule property, it is obvious that a cloud is cast on the title of the plaintiffs, which has given rise for a cause of action to the plaintiffs to institute a suit for declaration of their title and for permanent injunction. It is a well settled law that in deciding an application under Order VII Rule 11 C.P.C., to reject the plaint, all that the Court has to see is that whether the plaint discloses a cause of action or not. To decide the same, the Court has to go by the averments of the plaint.

Viewed from the said angle, if the plaint averments are considered, as noticed *supra*, the plaint averments clearly disclose cause of action for filing the suit. Therefore, it cannot be said that the plaint does not disclose cause of action and that the plaint is to be rejected under Order VII Rule 11(a) of C.P.C.,.

8. Therefore, this Court finds no legal flaw or infirmity in the impugned order of the trial Court or any apparent or manifest error of law committed by the trial Court in the impugned order.

9. In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 20.02.2026

MDP